

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

THE CITY OF HUNTINGTON,
Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, CARDINAL HEALTH
INC., MCKESSON CORPORATION, and
GREGORY DONALD CHANEY, M.D.,
Defendants.

Civil Action No. 3:17-cv-01362
Judge Robert C. Chambers

CARDINAL HEALTH INC.'S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Cardinal Health 110, LLC ("Cardinal Health"), improperly named in this matter as "Cardinal Health Inc."¹ respectfully moves this Court for dismissal of Plaintiff's Complaint and Amended Complaint for failure to state a claim upon which relief can be granted.² The reasons supporting Cardinal

¹ In this Motion and the accompanying memorandum, Cardinal Health 110, LLC refers to itself as "Cardinal Health."

² On January 26, 2017, Plaintiff filed an Amended Complaint, but did not serve it on Cardinal Health. The reasons supporting the dismissal of Plaintiff's claims, as set forth in the accompanying memorandum, are the same as to both the initial Complaint and the Amended Complaint. Accordingly, Cardinal Health requests dismissal of Plaintiff's action in its entirety, including the Amended Complaint, as well as the initial Complaint.

Health's motion are set forth in the accompanying supporting memorandum, supported by the exhibit attached hereto, pursuant to Local Rule 7.1. *See* Exhibit A, Complaint, *State ex rel. Morrissey, et al. v. Cardinal Health, Inc.*, No. 12-C-140 (Boone Cty. Cir. Ct. June 26, 2012). Cardinal Health also hereby incorporates by reference the arguments set forth in AmerisourceBergen Drug Corp.'s Motion to Dismiss.

Dated this the 2nd day of March, 2017.

Respectfully submitted,

CARDINAL HEALTH, INC.

By Counsel,

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of March, 2017, I served CARDINAL HEALTH INC.'S MOTION TO DISMISS electronically filed with the Clerk of the United States District Court for the Southern District of West Virginia, using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

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